

**IN THE UNITED STATES COURT OF FEDERAL CLAIMS**

**OFFICE OF SPECIAL MASTERS**

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AIDAN NICKS, a minor, by his parent  
and natural guardian, CRAIG NICKS,

Petitioner,

v.

SECRETARY OF HEALTH  
AND HUMAN SERVICES,

Respondent.

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No. 99-663V  
Special Master Christian J. Moran

Filed: March 4, 2008

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ATTORNEYS' FEES AND COSTS DECISION<sup>1</sup>

Petitioner, Craig Nicks, filed an Amended Application for Attorney's Fees and Costs on February 28, 2007, seeking \$26,117.38.<sup>2</sup> Petitioner's request was divided into attorney's fees incurred by two different firms, and costs incurred by these firms plus costs incurred by the petitioner, himself.

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<sup>1</sup> The undersigned intends to post this decision on the United States Court of Federal Claims's website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (Dec. 17, 2002). As provided by Vaccine Rule 18(b), each party has 14 days within which to request redaction "of any information furnished by that party (1) that is trade secret or commercial or financial information and is privileged or confidential, or (2) that are medical files and similar files the disclosure of which would constitute a clearly unwarranted invasion of privacy." Vaccine Rule 18(b). Otherwise, "the entire" decision will be available to the public. Id.

<sup>2</sup> Mr. Nicks's motion contains a clerical error in that the motion states that he is requesting \$25,099.80, not \$26,117.38. It is apparent that Mr. Nicks did not include the amount of his own costs in totaling the fees and costs because the difference between the two amounts, \$1,017.58, is the amount of the costs borne by the petitioner. Given that Mr. Nicks did include his own costs and that respondent has had an opportunity to review the submission, Mr. Nicks will be awarded all his requested items.

	attorney's fees	costs	total
Lommen, Abdo	\$12,014.50	\$1,682.58	\$13,697.08
Shoemaker	\$11,249.00	\$153.72	\$11,402.72
Mr. Nicks		\$1,017.58	\$1,017.58
TOTAL	\$23,263.50	\$2,853.88	\$26,117.38

Petitioner represented that respondent had reviewed this request and agreed not to contest the amount requested.

Petitioner was required to submit an amended request due to an error in the original request. Petitioner included a request for reimbursement from his former attorney that actually presented the hours and expenses for a companion case, docket number 99-662V. In the process of presenting the correct documentation, petitioner's former counsel discovered that the reimbursement mistakenly included two items of costs, totaling \$181.60, for which Mr. Nicks had paid. Although the amount of money at issue is relatively small, it is the responsibility of all counsel to ensure the accuracy of fee requests.

After reviewing the amended request, the court awards **\$26,117.38** in attorney's fees and other litigation costs, of which, **\$13,697.08** shall be made payable jointly to petitioner and Lomen, Abdo, Cole, King & Stageburg, P.A., his current law firm. Another **\$11,402.72** shall be made payable jointly to petitioner and Shoemaker & Associates, his prior law firm. The remaining **\$1,017.58** shall be made payable solely to petitioner. The court thanks the parties for their cooperative efforts in resolving this matter. The Clerk shall enter judgment accordingly.<sup>3</sup>

IT IS SO ORDERED.

s/ Christian J. Moran

Christian J. Moran  
Special Master

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<sup>3</sup> Pursuant to Vaccine Rule 11(a), the parties can expedite entry of judgment by each party filing a notice renouncing the right to seek review by a United States Court of Federal Claims judge.